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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

United Kingdom of Great Britain and North Ireland

1. The Committee considered the fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/338/Add.12 - Part I) and its Overseas Territories (CERD/C/338/Add.12 - Part II), which was due on 6 April 1998, at its 1420th and 1421st meetings (CERD/C/SR.1420 and 1421), held on 14 August 2000. At its 1430th meeting (CERD/C/SR.1430), held on 21 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive reports submitted by the State party, dratted in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation in response to the wide range of questions asked by Committee members.

3. The Committee acknowledges that the State party has addressed some of the concerns and recommendations of the Committee's previous concluding observations. It further welcomes the fact that NGOs were consulted in the preparation of the report.

B. Positive aspects

4. The Committee welcomes the recent legislative measures taken, including: the adoption of the 1998 Crime and Disorder Act, introducing higher maximum penalties for racially motivated crimes or offences involving racial hostility; the 1998 Northern Ireland Act, establishing a new independent Human Rights Commission for Northern Ireland; and the 1998 Human Rights Act, giving further effect to the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and due to be implemented as of October 2000.

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5. The Committee welcomes the Action Plan developed by the Home Secretary as a follow-up to the findings of the independent judicial inquiry into the murder of Stephen Lawrence and notes with interest the number of innovative recommendations contained in the Inquiry Report and the Action Plan, including that a record be made by police officers of all "stops and searches" under any legislative provision and that the record contain the self-defined ethnic identity of the person stopped.

6. The Committee also welcomes the establishment by the Home Secretary of the Race Relations Forum; the setting up of a ministerial Social Exclusion Unit to rehabilitate the inner city areas where a high percentage of members of national and ethnic minorities live; and the launching of the New Deal scheme, which includes a pro-active strategy to introduce young members of ethnic and national minorities on the labour market.

7. The Committee welcomes that British courts have established that the Roma minority is considered a racial group covered by the 1976 Race Relations Act; the identification of Irish Travellers as a racial group for the purposes of the 1997 Race Relations (Northern Ireland) Order; and the initiatives taken to promote the socio-economic situation of Roma Travellers, such as the establishment of Traveller Education Services at the local level

8. The Committee welcomes the use of ethnic monitoring to ascertain the numbers of persons of particular ethnic and national origins in various kinds of employment and the setting of targets to increase the employment of persons of minority origins in fields where they are under-represented, as well as the use of ethnic monitoring in the criminal justice system, including of the prison population, in order to identify points at which discrimination occurs and to develop means of rectifying it.

9. The Committee welcomes the Home Secretary's employment targets for the ethnic minorities to be employed in different grades in the Home Office, the police, prison service, fire service and the probation service by 2002, 2004 and 2009, and for the armed service to reach 5 per cent by 2001/2002.

C. Concerns and recommendations

10. The Committee notes the position maintained by the State party with regard to the non-inclusion of the full substance of the Convention within the domestic legal order, and reiterates its concern that full effect has therefore not been given to the provisions of the Convention and that individuals cannot be protected from any discriminatory practices unless they have been explicitly prohibited by Parliament. The Committee recommends that the State party consider giving full effect to the provisions of the Convention in its domestic legal order.

11. The Committee also reiterates its concern regarding the restrictive interpretation by the State party of the provisions of article 4 of the Convention and maintains that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention. The Committee recalls its general recommendation XV, according to which all provisions of article 4 are of a mandatory character and that prohibition of dissemination of racist ideas is compatible with the right to freedom of expression. The Committee adds further that the provisions of article 4 are of a preventive nature and that States parties on whose territories no organizations promoting and inciting racial discrimination hypothetically exist are nevertheless bound by those provisions.

12. While acknowledging the numerous separate initiatives taken by the State party to combat racial discrimination, the Committee notes the absence of comprehensive legislation to this end. The Committee recommends that the State party also develop an interdepartmental strategy in this regard.

13. The Committee is deeply concerned that racist attacks and harassment are continuing and ethnic minorities are feeling increasingly vulnerable. The Committee is further concerned about the findings of "institutional racism", within the police force and other public institutions, which has resulted in serious shortcomings with regard to investigations into racist incidents. Noting that a significant number of recommendations in the Home Secretary's Action Plan for improving the handling of racist crimes are already being implemented, the Committee invites the State party to provide in its next report further information on the impact of the measures introduced and on steps taken to implement outstanding recommendations. In this context, the Committee also expresses concern about the reported negative response from certain parts of the police force to recent criticism brought forward by the Lawrence Inquiry Report and recommends that the State party take steps to address the backlash among police officers.

14. The Committee recalls that it has previously expressed concern about incidents of death in police custody disproportionally involving members of ethnic or national minority groups and notes that the problem continues. There have been a number of cases of deaths in police custody and in prisons of members of ethnic minority communities in which no officers of the police or the prison service have been prosecuted nor disciplinary action taken against them by the Independent Police Complaints Authority or the Crown Prosecution Service. It recommends that the State party provide detailed information on measures taken to prevent such incidents and ensure fully independent investigations into complaints against the police, in order to inspire confidence in the criminal justice system among the ethnic minority communities. The Committee looks forward to the State party's findings as to the feasibility of an independent complaints system.

15. The Committee notes with concern that, as acknowledged by the State party, there is increasing racial tension between asylum-seekers and the host communities, which has led to an increase in racial harassment in those areas and also threatens the well-being of established ethnic minority communities. The Committee also recommends that the State party take the lead by sending out positive messages about asylum-seekers and protecting them from racial harassment.

16. The Committee expresses concern that the dispersal system may hamper the access of asylum-seekers to expert legal and other necessary services, i.e. health and education. It recommends that the State party implement a strategy ensuring that asylum-seekers have access to essential services and that their basic rights are protected.

17. The Committee notes the State party's current intensified efforts to clear the backlog of asylum applications. The Committee recommends that the State party ensure that effective safeguards are in place to respect the rights of all asylum-seekers.

18. The Committee notes with concern that there is a lack of information about settled Roma, who constitute 70 per cent of the total Roma population. It also expresses concern regarding admission and access to schools by Roma Travellers.

19. The Committee notes with concern the continued high level of unemployment among ethnic minority groups. The Committee expresses concern that there is racist harassment and bullying in schools and that ethnic minorities continue to be disproportionately excluded from schools. It recommends that the State party intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

20. The Committee notes with concern that positive action is only practised "by training bodies, by employers and by trade unions and employers' organizations". The Committee recommends that the State party consider introducing affirmative measures in accordance with article 2, paragraph 2, of the Convention, when circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are experiencing disadvantage with respect to educational achievement and other elements of their socio-economic profiles.

21. The Committee encourages the State party to introduce specific legislation against racial discrimination by private persons or organizations currently taking place in several of the Overseas Territories, such as Anguilla, the British Virgin Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands.

22. The Committee remains concerned that specific legislation against racial discrimination has not yet been introduced in all Overseas Territories, including the Cayman Islands and Montserrat, and recommends that the State party continue its efforts to encourage such territories to proceed to the adoption of legislation prohibiting and penalizing racial discrimination, in accordance with the provisions of the Convention.

23. The Committee looks forward to receiving in the next report of the State party disaggregated data giving details of the ethnic composition of the population, the socio-economic situation and the gender composition of each group, both regarding the United Kingdom of Great Britain and Northern Ireland and its Overseas Territories, including the Cayman Islands, Montserrat, Pitcairn, and the Turks and Caicos Islands.

24. The State party is invited to provide in its next report further information on the impact on racial equality of: (a) the work of the Social Exclusion Unit; (b) the New Deal scheme; and (c) the implementation of the 1998 Human Rights Act.

25. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members request that the possibility of making such a declaration be considered.

26. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

27. The Committee recommends that the State party's sixteenth periodic report be an updating report and that it address the points raised in the present concluding observations.

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International Convention on the Elimination of all Forms of Racial Discrimination

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Sweden

1. The Committee considered the thirteenth and fourteenth periodic reports of Sweden, submitted as one document (CERD/C/362/Add.5), at its 1417th and 1418th meetings (CERD/C/SR.1417 and 1418), held on 10 and 11 August 2000. At its 1431st meeting (CERD/C/SR.1431), held on 22 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of Sweden which followed the general guidelines for the presentation of State party reports and provided relevant and updated information about the measures taken to implement the Convention since the consideration of the twelfth periodic report. The Committee expresses its appreciation for the constructive and frank dialogue it had with the State party.

B. Positive aspects

3. The Committee welcomes the recent legislative initiatives undertaken by the State party including the Act on National Minorities in Sweden, the Act on Immigrant Integration Policy, the Act on Countering Ethnic Discrimination in Working Life, the Ethnic Discrimination Ombudsman Act, the amendment to the Fundamental Law on Freedom of Expression and to the Criminal Code concerning incitement to racial discrimination, and the Act on Responsibility for Electronic Bulletin Boards.

4. The Committee notes with satisfaction that the State party has set up a National Integration Office to promote and facilitate the implementation of its new integration policy and to monitor and evaluate developments as they relate to the ethnic and cultural diversity of the society as a whole.

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5. The Committee welcomes the appointment of the General Commission on Swedish Local Democracy to encourage broader participation in local government of people with immigrant backgrounds.

6. The Committee welcomes the additional initiatives to combat racial discrimination and xenophobia, including, the establishment of the Commission for the Study of Racist Crimes; the development of a plan of action by the Prosecutor General to reinforce the measures against crimes with racist or xenophobic motives; the implementation of programmes such as "EXIT" to counteract the activities of racist organizations; the reinforcement of training for prison and probation officials in countering prejudice, racism and xenophobia among staff; the publication and dissemination by the Ethnic Discrimination Ombudsman of resource materials on, inter alia, non-discrimination in recruitment; the introduction of measures to enhance employment opportunities, including within the public sector, for immigrants through, inter alia, language training; the implementation of additional measures to ensure that children of asylum-seekers are afforded equal access to education and health care; and the expansion of awareness-raising initiatives through, inter alia, books on the Holocaust.

7. The State party's effort to include NGOs in the preparation of its thirteenth and fourteenth periodic reports and generally in the reporting process is welcomed by some members of the Committee.

8. The Committee encourages the intention to set up a National Action Plan against Racism, Xenophobia and Ethnic Discrimination and encourages the State party to continue its efforts in this regard.

9. The State party's efforts to disseminate the Convention, as well as the concluding observations and the summary records of its previous meetings with the Committee, among Sami and other minority groups, NGOs, trade unions and the wider public are welcomed.

C. Concerns and recommendations

10. The Committee is concerned that a recent upsurge in racism and xenophobia has been seen which has given rise to increased neo-Nazi violence, especially among youth. In this context, the Committee notes with concern, the increasing popularity of "white power" music which promotes hatred against ethnic minorities. The Committee encourages the State party to continue its efforts to arrest the upsurge in racism and xenophobia, prevent and punish racist neo-Nazi violence and prosecute any persons whose actions incite to racial hatred.

11. While the Committee notes that the State party has adopted some measures to promote greater awareness about the Roma minority and to encourage greater participation of Roma in the society, it is concerned about the difficulties which Roma continue to experience in exercising their rights. The Committee recommends that the State party submit in its next periodic report additional information on the situation of the Roma minority, particularly as regards education, employment and housing. The State party is requested to pay particular attention to the situation of Roma women and children.

12. While the Committee notes the new legislation which gives individuals the right to use the Sami language in legal and administrative proceedings, it stresses that this right is recognized only in respect of some geographic regions. It is recommended that the State party consider the extension of these rights to all Sami territory.

13. Concern is expressed over the issue of land rights of the Sami people, in particular hunting and fishing rights which are threatened by, inter alia, the privatization of traditional Sami lands. The Committee recommends that the Government introduce legislation recognizing traditional Sami land rights and reflecting the centrality of reindeer husbandry to the way of life of Sweden's

indigenous people. The Committee further recommends that the State party ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

14. The Committee expresses concern about increasing de facto residential segregation. The Committee recommends that the State party ensure compliance with the law against discrimination in the allocation of housing and in its next periodic report supply information on the measures taken to address such segregation.

15. In light of article 4 of the Convention, the Committee is concerned that existing legislation does not prohibit and penalize all organizations and propaganda activities that promote or incite racial hatred and discrimination. The Committee recommends that the State party declare illegal and prohibit any organization which promotes or incites racial discrimination. The Committee calls attention to its general recommendation XV in this regard.

16. While the Committee notes the enactment of the Citizenship Status Discrimination in Working Life Act, as well as the recent decline in unemployment in the State party, it remains concerned about the difficult access to employment of members of ethnic minorities. The Committee recommends that the State party take all necessary measures to increase its efforts to facilitate the occupational integration of all persons belonging to ethnic minorities into the public administration.

17. Concern is expressed at the increasing incidence of racial discrimination in restaurants, other public places, and with regard to access to services. The Committee recommends that effective action be taken, including administrative measures as well as criminal prosecutions to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

18. While the Committee notes that the official statistics of the State party do not contain data which distinguishes people based on their ethnic origin, it recommends that the State party provide in its next periodic report more comprehensive and updated statistical information along the lines of paragraphs 8 and 9 of the Committee's guidelines regarding the form and content of reports to be submitted by States parties.

19. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. It also recommends that the State party continue and develop its dialogue with civil society, in particular with the non-governmental organizations.

20. The Committee further recommends that the State party's fifteenth periodic report be an updated report and that it address the points raised during the consideration of the report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Netherland

1. The Committee considered the thirteenth and fourteenth periodic reports of the Netherlands, submitted in one document (CERD/C/362/Add.4) at its 1413th and 1414th meetings (CERD/C/SR.1413 and 1414), on 8 and 9 August 2000, and at its 1424th meeting (CERD/C/SR.1424), on 16 August 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the very detailed updated report presented by the Government of the Netherlands, containing information on the European part of the Kingdom of the Netherlands, the Netherlands Antilles and Aruba, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention. The Committee particularly welcomes the opportunity to be able to continue a constructive and open dialogue with the State party represented by a large delegation and appreciates the detailed answers to questions raised and concerns expressed during the consideration of the report, including valuable written answers from Aruba.

B. Positive aspects

3. The Committee notes that the Netherlands is one of the few countries to refer to minorities without making a distinction between nationals and non-nationals; it welcomes the plan to apply the Framework Convention for the Protection of National Minorities of the Council of Europe without regard to nationality.

4. The Committee notes further progress in the implementation of article 4 of the Convention and welcomes the judicial proceedings that have led to the

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prohibition of a racist political party. It notes also the creation of the National Discrimination Centre within the prosecution service, the appointment of a national police "discrimination officer", the existence of public prosecutors and advocates general specialized in discrimination cases, and the Partnership Training Project between the police, the public prosecution service and civil society.

5. The Committee welcomes with great satisfaction the establishment of the Reporting Centre for Discrimination on the Internet which is aimed at combating racism on Internet sites. The Committee considers this initiative a major step forward in the fight against contemporary forms of racism and looks forward to receiving updated information on the work of the Centre.

6. The Committee welcomes the appointment of a Minister for Urban Policy and Integration of Ethnic Minorities.

7. The Committee is also satisfied that its previous request for information on the Frisian-speaking community has been met and that the State party has given satisfactory information on the situation of this community.

8. For the Netherlands Antilles, the Committee welcomes the efforts undertaken - despite huge difficulties - to address the problems of children with language backgrounds different from those of the majority.

9. For Aruba and the Netherlands Antilles, the Committee welcomes the plans to address immigration problems cooperatively in the region.

10. The Committee acknowledges the efforts by the government in Aruba to promote the national language, Papiamento, in the educational system and cultural life.

C. Concerns and recommendations

11. While the Committee acknowledges the increase in employment among members of minorities, it is concerned that the unemployment rate among minority groups remains four times higher than among the native Dutch population. The Committee therefore hopes to receive information on the results of the "action plan" set up by the Government to reduce that difference by 50 per cent and on the evaluation of the new legal measures (Wet SAMEN).

12. The Committee is concerned about insufficient protection against discrimination in the labour market; it regrets the privatization and the planned dissolution of the Women and Minorities Employment Bureau and wonders what institution is going to fulfil the Bureau's task in the future.

13. While acknowledging the efforts to recruit members of minorities into government service, including the police and armed forces, the Committee is concerned about the disproportionately high number of members of minorities leaving the police forces. It recommends that the State party strengthen its efforts to create a police force reflective of the total population.

14. The Committee expresses concern at de facto school segregation in a number of localities and recommends that the State party undertake further measures to reduce de facto segregation and to promote a multicultural educational system.

15. The State party is invited in its next report to provide further information on the following issues: (a) the revision of the Criminal Code; (b) the living conditions of the Roma minority and the specific measures taken to improve them; (c) the further implementation of the Employment of Minorities (Promotion) Act; (d) the participation of minorities in local

elections; (e) the changes brought by the draft new Aliens Act; and (f) statistical data on complaints, indictments and judicial decisions relating to acts of racism.

16. For the Netherlands Antilles, the Committee is concerned that there have been social tensions and problems in the educational system relating to immigration; it recommends that the problems be addressed on a regional level, so as to avoid racial discrimination.

17. While noting the information from the government of Aruba that domestic servants may change employers though not occupation, it recommends that the government ensure that the status of domestic servants under immigration law is not exploited by employers.

18. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

19. The Committee recommends that the State party's next periodic report, due on 5 January 2001, be an updating report and that it address the points raised in the present

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
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Concluding observations of the Committee on the
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Slovenia

1. The Committee considered the initial, second, third and fourth periodic reports of Slovenia (CERD/C/352/Add.1) at its 1405th and 1406th meetings, on 2 and 3 August 2000 (CERD/C/SR.1405 and 1406) and at its 1416th meeting (CERD/C/SR.1416), on 10 August 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the Government of Slovenia, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee particularly welcomes the opportunity to be able to initiate a dialogue with the State party and appreciates the detailed answers to questions raised and concerns expressed during the consideration of the report.

B. Positive aspects

3. The Committee welcomes the efforts undertaken by the authorities of the State party since its independence in 1991 to ensure the promotion and protection of human rights. In particular, it notes the adoption of the 1991 Constitution, which guarantees a wide range of human rights, and the enactment of the Citizenship Act (1991), the Personal Data Protection Act (1999), the Radio and Television Act (1994), the Law on Asylum (1997), the Human Rights Ombudsman Act (1993/4), the
Act on the Legal Status of the Religious Communities (1991), the Political Parties Act (1994), the Act on the Legal Status of Religious Communities (1991) and the Redress of Wrongs Act (1996).

4. The establishment of specific institutions dealing with human rights issues, such as the Office of the Human Rights Ombudsman, the Office for

Nationalities, the Office for Immigration and Refugees, the Office for Religious Communities and the Office of the Republic of Slovenia Youth, are considered as positive measures. With reference to the Office of the Human Rights Ombudsman, the Committee especially welcomes the fact that the Ombudsman may by law initiate proceedings ex officio.

5. The Committee welcomes the appropriate measures taken by the State party authorities to resolve the issue of citizenship of former citizens of the Socialist Federal Republic of Yugoslavia following the proclamation of the independence of Slovenia.

6. The Committee notes the specific measures taken for the promotion and the protection of the human rights of the Roma population, including their right to vote and to be elected, the possibility given to this community to gain access to education, including pre-school education, and programmes for professional training.

C. Concerns and recommendations

7. Although the State party provided some information in its report, the Committee remains concerned at the status of the Convention vis-à-vis domestic law, especially regarding cases of conflicts with national legislation and the possibility of invoking provisions of the Convention in the courts. In this connection, the Committee requests the State party to provide further information in its next periodic report on the status of the Convention in domestic law and on court cases, if any, during which the Convention was invoked.

8. The Committee notes that different minority groups are provided by law with differentiated protection measures in different areas of daily life, such as political representation, access to media, education and culture. The Committee notes that minority groups such as Croats, Serbs, Bosnians and Roma do not enjoy the same level of protection from the State party as the Italian and Hungarian minorities. In this connection, the Committee recommends that the State party, in accordance with article 2 of the Convention, ensure that persons or groups of persons belonging to other minority groups are not discriminated against.

9. The Committee is concerned that the legislation presently in force doesn't seem to respond to all the requirements of article 4 of the Convention, which are mandatory. It is also noted that no information on condemnations of individuals and organizations that disseminate ideas of racial superiority or use racial violence was provided by the State party in its report. The Committee takes note of the oral comments made by the delegation on this matter and recommends that the State party review the existing domestic legal framework with a view to implementing all provisions of article 4 of the Convention and to including in the next periodic report relevant information on this subject. The Committee also recommends that the State party take all appropriate measures to inform the general public about existing judicial remedies for victims of racism or xenophobia in order to encourage the use of such remedies.

10. Although the Committee welcomes the initiatives taken by the Slovenian authorities to sensitize and train civil servants and public officials on human rights and racial discrimination
issues, the Committee remains concerned that these efforts are still insufficient. The Committee recommends that the State party strengthen its human rights sensitization and training programmes, especially with regard to law enforcement and military personnel.

11. The Committee is concerned that the temporary protection offered by the State party to refugees might be insufficient to guarantee their basic rights. The Committee recommends that the State party review its policy on temporary protection of refugees in order to guarantee all their rights, especially those covered by the Convention, and facilitate their integration in Slovenian society.

12. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

14. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

15. The Committee recommends that the State party's next periodic report, due on 6 July 2001, be an updating report and that it address the points raised in the present observations.

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Concluding observations of the Committee on the
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Mauritius

1. The Committee considered the thirteenth and fourteenth periodic reports of Mauritius, submitted as one document (CERD/C/362/Add.2), at its 1401st and 1402nd meetings (CERD/C/SR.1401 and 1402), held on 31 July and 1 August 2000. At its 1414th meeting (CERD/C/SR.1414), held on 10 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the State party, which was drafted taking account of the reporting guidelines of the Committee, as well as the additional information provided orally by the delegation. It also welcomes the constructive dialogue pursued with the State party.

3. The Committee was encouraged by the fact that the Government was represented by a high-ranking delegation; its direct and constructive replies to the questions asked and its comments were much appreciated.

B. Positive aspects

4. The Committee notes the multi-ethnic diversity of the population of Mauritius and the harmony in which its various constituent ethnic groups live. The State party's experience regarding ethnic and racial problems is thus very instructive in the view of the members of the Committee.

5. The Committee notes with satisfaction that since the consideration of its last periodic report, the State party has established two new institutions, namely the National Human Rights Commission and the Committee on Poverty, both of which will contribute to combating racial discrimination.

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6. Lastly, the Committee welcomes the forthcoming adoption of the Equal Opportunities Act, aimed at the implementation of article 5 of the Convention, and the introduction of a Public Security Act punishing any act or conduct inciting to racial hatred, in conformity with article 4 of the Convention.

C. Concerns and recommendations

7. The Committee reminds the State party that the existence of constitutional and legislative provisions prohibiting racial discrimination and incitement to racial hatred and the absence of judicial decisions relating to such acts does not mean that there is no racial discrimination in Mauritian society. It is therefore essential to inform the public of the existence of such legal provisions.

8. The Committee notes that the State party has not provided it with sufficient information about the rioting that broke out between Creole groups and groups of Indian origin following the death of a popular singer at a police station. The Committee would like to know the results of the inquiry on this issue.

9. Despite its previous requests, the Committee notes that it has still not been provided with statistical data on the ethnic composition of Mauritian society. The Committee would appreciate information on the ethnic and gender composition of the population to be included in the next report.

10. Since the National Human Rights Commission and the Committee on Poverty are very recent institutions, the State party is also invited, in its next report, to provide further information on their functioning and the results of their activities, with particular reference to problems of racial discrimination.

11. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested the State party to consider the possibility of making such a declaration.

12. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

13. The Committee recommends that the State party's periodic reports be made widely available to the public from the time they are submitted and that the Committee's concluding observations be similarly publicized.

14. The Committee recommends that the State party's next periodic report, due on 29 June 2001, be an updating report and that it address the points raised in the present observations.

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Concluding observations of the Committee on the
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Finland

1. The Committee considered the fifteenth periodic report of Finland CERD/C/363/Add.2), at its 1403rd and 1404th meetings (CERD/C/SR.1403-1404), held on 1 and 2 August 2000. At its 1414th meeting (CERD/C/SR.1414), held on 9 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive report of the State party, which in an open and self-critical manner addresses the different issues raised in the Committee's previous concluding observations. The Committee also expresses its appreciation for the additional information provided in oral and written form and for the frank and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee notes the legislative measures adopted by the State party with a view to combating racial discrimination, including the new Constitution, the new Act on the Integration of Immigrants and Reception of Asylum-Seekers and the Personal Data Act, the amendment of the Aliens Act, and the revision of the legislation concerning education.

4. The Committee welcomes the efforts made by the State party to establish an institutionalized system for protection against racial discrimination and promotion of rights of minorities, mainly Sami and Roma.

5. The Committee notes with interest the proposal for a governmental National Programme of Action against Ethnic Discrimination and Racism in order to enhance good ethnic relations and prevent ethnic discrimination and racism in Finnish society.

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6. The Committee welcomes the number of in-depth studies undertaken on ethnic relations, in particular on Finnish attitudes towards immigrants, ethnic groups and ethnic discrimination at work.

7. The Committee notes with interest that anti-racist projects have been implemented also at the regional and local levels, in particular the Finnish Romako joint project to raise the education level of the Roma and prevent their social exclusion.

C. Concerns and recommendations

8. The Committee notes the lack of a uniform terminology on discrimination in different Finnish laws. In light of article 1 of the Convention and in order to better combat acts of racism, the Committee recommends the adoption of explicit anti-discriminatory legislation.

9. The Committee reiterates its concern at the absence of a law prohibiting organizations which promote and incite racial discrimination and of a provision in the Penal Code declaring any dissemination of ideas based on racial superiority or hatred punishable by law. The Committee urges the State party to give due consideration in this respect to the Committee's- 42 - generalrecommendation VII relating to the implementation of article 4 of the Convention. The Committee also recommends that the State party consider adopting provisions to increase the severity of sentences for racially motivated crimes, in particular racial violence.

10. The Committee is concerned that Roma continue to experience discrimination in the fields of housing, education and employment. It also expresses concern about reports that Roma are sometimes denied access to and service in public places such as restaurants. The Committee recommends that the State party take additional measures at the national and municipal levels to improve the situation of the Roma minority, with a view to preventing social exclusion and discrimination against them.

11. The Committee regrets that the question of land ownership of the Sami has not yet been resolved and that Finland has not acceded to Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization. Furthermore, it expresses its concern about activities authorized by State bodies in Sami reindeer-breeding areas which may threaten Sami culture and their traditional way of life. The Committee urges the State party to pursue its efforts, together with the Sami people, towards the adequate resolution of the land dispute, giving due consideration in this respect to general recommendation XXIII, and requests the State party to provide full information on this issue in the next periodic report.

12. The Committee expresses its concern that in some cases the new accelerated procedure in the revised Aliens Act would result in the repatriation of an asylum-seeker while his or her appeal was still pending. The Committee recommends that the State party take all available measures to guarantee the legal safeguards for asylum-seekers.

13. The Committee is concerned about the fact that with respect to racially motivated crimes, the police do not always intervene or its action is not always appropriate and that prosecutors hesitate to initiate criminal proceedings. It also notes that according to a 1999 study on attitudes of public authorities towards immigrants, police and frontier guards have the most negative attitude. The Committee recommends the continuation and strengthening of training programmes for police and all law enforcement officials and the improvement of communication between officials and immigrants in order to enhance mutual confidence. In cases where police officers are personally involved in racially motivated acts, it recommends

that an independent body investigate and invites judges and prosecutors to be more active and firm in prosecuting these cases.

14. The Committee notes with concern that immigrants, refugees and minorities, in particular Roma, have higher rates of unemployment, have difficulties in gaining access to housing and social services and have higher rates of school drop-out. The Committee is concerned about the low number of judicial proceedings initiated related to incidents of racial discrimination, including cases of discrimination in employment. The Committee recommends that the State- 43 -party take all necessary measures to alleviate the situation of immigrants, refugees and minorities, in particular Roma, at the national and municipal levels, especially with respect to housing, employment and education.

15. In the light of article 6 of the Convention, the Committee notes that the only way of obtaining reparation or satisfaction for any damage suffered as a result of an act of racial discrimination is through a penal proceeding. The Committee recommends that the State party consider ensuring alternative measures to penal proceedings in cases of discrimination.

16. The Committee is concerned at the increasing number of racist acts. Also, it notes with concern reports showing that a significant percentage of Finns declare themselves to be racist or partially racist and are opposed to the practice of Islam by immigrants (refugees). It notes also that media often present immigrants and minorities, in particular Roma, in a negative light. The Committee invites the State party to strengthen measures to promote tolerance and combat prejudices, in particular in the field of teaching, education, culture and information. It also recommends that the State party find adequate modalities to make journalists and people working in the media sector more aware of racial discrimination.

17. The Committee further recommends that the State party take all necessary measures to establish the Office of the Discrimination Ombudsman and to provide the necessary human and financial resources to enable the Office to carry out its tasks in an effective way.

18. The Committee further invites the State party to ensure the wide dissemination of the text of the Convention, as well as of the report and the concluding observations adopted thereon. The accepted individual communications procedure under article 14 of the Convention should be widely publicized throughout Finland for the benefit of the general public.

19. The Committee recommends that the State party's next periodic report, due on 16 August 2001, be an updating report and that it address the points raised in the present concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Nepal

1. The Committee considered the fourteenth report of Nepal (CERD/C/337/Add.4), which was due on 1 March 1998 at its 1415th meeting (CERD/C/SR.1415), held on 9 August 2000. At its 1427th meeting (CERD/C/SR.1427), held on 18 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee appreciates the submission of the report, which contained a frank and open discussion of the State party's socio-economic profile, as well as detailed information on the legal framework relating to the implementation of the Convention.

B. Positive aspects

3. Welcoming the information from the delegation that the National Human Rights Commission began its activities at the end of May 2000, the Committee looks forward to being kept informed about its future work.

4. The Committee welcomes the initiatives undertaken by the State party, such as the Decision of 17 July 2000 on the emancipation of bonded labourers and the adoption of the 1997 Compensation for Torture Act, demonstrating its commitment to furthering the human rights of its people.

5. The Committee welcomes the adoption of the State party's Ninth Plan, containing important policies, strategies and programmes, which aim inter alia, to eradicate racial discrimination against disadvantaged groups by addressing their socio-economic development.

C. Factors and difficulties impeding the implementation of the Convention

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6. In light of the multi-ethnic and multicultural society of the State party, the Committee notes that the existence of certain traditional customs, i.e. the caste system, and social attitudes are obstacles to efforts to combat discrimination. The Committee further notes that extreme poverty, which affects a significant part of Nepal's population, and the presence of a large number of refugees from neighbouring countries are factors which represent serious difficulties in the fulfilment of the State party's obligations under the Convention.

D. Concerns and recommendations

7. In view of the State party's reservation on articles 4 and 6 of the Convention, the Committee remains concerned that the full implementation of those provisions may not be ensured, and therefore reiterates its previous recommendation to the State party to consider withdrawing its reservation.

8. The Committee requests the State party to provide in its subsequent reports information, on, inter alia, the National Human Rights Commission's responsibilities, composition, methods and achievements particularly in combating racial discrimination. The Committee recommends that, the State party provide adequate resources to ensure the capacity and effectiveness of this institution.

9. The Committee expresses concern about the absence in the report of disaggregated data on the population, including by age, sex, nationality, ethnic origin, religion, including caste, and language. The Committee recommends that the State party provide these data in subsequent reports.

10. While noting the detailed information provided in the report of constitutional and legislative provisions relating to the implementation of the Convention, the Committee regrets the absence of any information on the effectiveness of these measures. The Committee emphasizes that guarantees of non-discrimination laid down in constitutional or legislative provisions, without mechanisms to monitor their application, do not on their own ensure the enjoyment of non-discrimination. The Committee reiterates its previous recommendations that the State party provide information in subsequent reports on the practical implementation and monitoring of articles 4, 5 and 6 of the Convention, including on mechanisms for the receipt of complaints, conducting investigations and prosecutions and implementing consequent decisions.

11. The Committee remains concerned at the existence of caste-based discrimination, and the denial which this system imposes on some segments of the population of the enjoyment of the rights enshrined in the Convention. The Committee reiterates its previous recommendation that the State party provide information in its next periodic report on the implementation of practical and substantive measures to eradicate the practice of the caste system, including measures for the prevention of caste-motivated abuse and the prosecution of State and private actors responsible for such abuse. Moreover, the State party is encouraged to implement, inter alia, affirmative measures to advance and protect persons subjected to caste-based discrimination.

12. The Committee emphasizes that the State party is responsible for ensuring that the Convention is implemented at the local level, and recommends that the State party ensure adequate support to local authorities, including development of professional capacity, for implementation of the Convention and that it continue to prioritize and target social services for persons belonging to the most vulnerable groups.

13. The Committee is concerned about the situation of a large number of refugees from neighbouring countries in Nepal, and regrets the absence of any information in the report on their situation. Furthermore, the Committee is concerned at the absence of legislative protection for refugees and asylum-seekers. The Committee requests the State party to include in subsequent reports information on the situation of refugees. It reminds the State party of the

importance it attaches to international instruments relating to the protection of refugees and to the adoption of national legislation that ensures that refugees enjoy the rights contained in the Convention.

14. In connection with the implementation of article 7 of the Convention, the Committee reiterates its previous recommendation that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers and social workers, and include the teaching of human rights in school curricula. The Committee encourages the State party to carry out comprehensive public education campaigns to combat discriminatory traditional customs and societal attitudes. The Committee would welcome information in subsequent reports on the effectiveness of these measures.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

16. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

17. The Committee recommends that the State party's report be made readily available to the public from the time it is submitted and that the Committee's concluding observations on the report be similarly disseminated.

18. The Committee recommends that the State party ensure the submission of its fifteenth periodic report, and that it be an updating report, addressing all the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Czech Republic

1. The Committee considered the third and fourth periodic reports of the Czech Republic (CERD/C/372/Add.1) at its 1411th and 1412th meetings (CERD/C/SR.1411 and 1412), on 7 and 8 August 2000, and at its 1419th meeting (CERD/C/SR.1419), on 11 August 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the comprehensive report presented by the Government of the Czech Republic, in accordance with the Committee's guidelines, which contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee appreciates the frank and constructive dialogue with the State party delegation, composed of representatives of a wide range of governmental offices, as well as the detailed answers to questions raised and concerns expressed during the consideration of the report.

B. Positive aspects

3. The Committee welcomes the additional amendments to the Act (194/1999) on the Acquisition and Loss of Citizenship (September 1999), which has helped to resolve problems relating to the acquisition of Czech citizenship for former citizens of the Czech and Slovak Federal Republic.

4. The Committee welcomes the establishment of new advisory bodies on matters relevant to combating racism and intolerance, in particular the Government's Commissioner for Human Rights and the Council for Human Rights. In addition, the Committee takes note of the process to enact the draft bill for the creation of a Public Rights Protector (Ombudsman), which is expected to enhance the protection

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of citizens against any inappropriate treatment by the State administration, including acts of racial discrimination.

5. The launching and implementation of the "Tolerance Project" (December 1999-June 2000), a public awareness campaign intended to prevent racial discrimination and increase tolerance, as well as other programmes in the field of human rights education are regarded as significant measures in the implementation of article 7 of the Convention.

6. The Committee also welcomes the Act on the System of Primary and Secondary Schools (1999), which facilitates the entry of special school graduates into secondary schools, a measure that is designed to benefit Roma cildren.

7. The Committee welcomes the steps taken by the authorities of the State party to make the declaration provided for in article 14 of the Convention, and encourages the State party to finalize this process as soon as possible.

8. The publication on an Internet site of the Ministry of Justice of the initial and second periodic reports as well as the concluding observations and other related documents relating to the dialogue between the State party and the Committee is noted with appreciation.

C. Concerns and recommendations

9. While the Committee welcomes measures taken by the State party for the promotion and the protection of the human rights of the Roma minority, in particular the ones included in the "Concept of Government Policy Towards Members of the Roma Community" (June 2000), it remains concerned by the fact that the Roma population continue to be subjected to discrimination in the fields of housing, education and employment. The Committee recommends that the State party include in its next periodic report information on the impact of the measures taken to improve the situation of the Roma minority, especially the ones designed to eliminate their social exclusion.

10. With regard to article 3 of the Convention, concern is expressed about the existing situations of de facto segregation in the areas of housing and education of the Roma population. In particular, concern is expressed at measures taken by some local authorities leading to segregation and at the practice of school segregation by which many Roma children are placed in special schools, offering them lesser opportunities for further study or employment. The Committee recommends that the State party undertake effective measures to eradicate promptly practices of racial segregation, including the placement of a disproportionate number of Roma children in special schools.

11. The Committee is concerned that some organizations, including political parties, promoting racial hatred and superiority are hidden behind legally registered civic associations whose members are promoting xenophobia and racism. Concern is also expressed at the ineffective implementation of existing legislation to prosecute the perpetrators of incitement to racial hatred and support to racist movements. In light of article 4 of the Convention, the Committee recommends that the State party strengthen law enforcement to ensure that these organizations are dismantled and their members prosecuted.

12. While noting the information provided by the State party on the number of convictions for racially motivated offences, the Committee is concerned by the increasing number of incidents of racially motivated violence against minority groups, in particular against members of the Roma community, many of which may not even be reported. The Committee recommends that the State party strengthen the measures already undertaken to intensify enforcement of the criminal law against racially motivated crimes.

13. The Committee reiterates its concern at the lack of criminal, civil or administrative law provisions expressly outlawing racial discrimination in

education, health care, social care, the penitentiary system, as well as in the private sphere. The Committee recommends that the State party undertake legislative reform to safeguard the enjoyment, without any form of discrimination, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention. It further recommends that such reform should include the provision of adequate reparation for victims of racial discrimination.

14. The Committee reiterates its concern about the lack of effectiveness and confidence in the ability of the criminal judicial system to prevent and combat racial crimes. In this connection, concern is also expressed about the degrading treatment by the police of members of minority groups. The Committee recommends the continuation and strengthening of training programmes for police and all officials in charge of implementing the law on issues related to the implementation of the Convention. The Committee reminds the State party of the Committee's general recommendation XIII relating to the implementation of articles 2 and 7 of the Convention.

15. With regard to article 7 of the Convention, the Committee is of the opinion that the measures taken by the State party in the field of teaching, education, culture and information to combat racial discrimination should be intensified. In this regard, the Committee recommends that the State party continue and extend its educational programmes in order to raise awareness of the population at large of all aspects relating to racism and racial discrimination.

16. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

17. The Committee recommends that the State party ensure the wide dissemination of the text of the Convention and continue to make its periodic reports readily available to the public from the time they are submitted, and that the Committee's concluding observations on them be similarly publicized.

18 .The Committee recommends that the State party's next periodic report, due on 22 February 2002, be an updating report and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Slovakia

1. The Committee considered the initial, second and third periodic reports of Slovakia, due on 28 May 1994, 1996 and 1998 respectively and submitted as one document (CERD/C/328/Add.1), at its 1407th and 1408th meetings (CERD/C/SR.1407 and 1408), held on 3 and 4 August 2000. At its 1419th meeting (CERD/C/SR.1419), held on 11 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the consolidated report, which contains detailed information on the legal framework relating to the implementation of the Convention, and appreciates the supplementary material provided to update the report since its submission. The Committee welcomes the opportunity to be able to initiate an open and constructive dialogue with the State party.

B. Positive aspects

3. The Committee appreciates the fact that the State party has ratified several international human rights instruments. Further, the Committee notes with satisfaction that under the Constitution, international instruments, including the Convention, ratified by the Slovak Republic take precedence over national legislation.

4. The Committee welcomes the establishment of the post of the Deputy Prime Minister on Human Rights, National Minorities and Regional Development. The Committee also welcomes the establishment of the Government's Plenipotentiary for Addressing Roma Minority Issues, and the approval by the State of the 1999 Strategy for the Solution of the Problems of the Roma National Minority and the Set of Measures for its Implementation. The Committee will follow the progress of the work of the Plenipotentiary with interest and encourages the

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State party to support the activities of this office and the implementation of the Strategy.

5. The Committee welcomes the many initiatives undertaken by the State party, such as convening international and national conferences on the issues of racism and national minorities, and legal reforms, including the adoption of the Law on the Use of Languages of National Minorities No. 184/1999 Coll., demonstrating its commitment to combating racial discrimination. It further welcomes the work towards the amendment of civil and criminal laws, taking into account the provisions of the Convention.

6. The Committee welcomes the State party's declaration under article 14 of the Convention.

C. Concerns and recommendations

7. The Committee notes the absence in the report of disaggregated data on the population, giving details of ethnic composition. The Committee recommends that the State party provide this data, including gender composition, in subsequent reports, in an appropriate form.

8. While noting detailed information on constitutional and legal provisions, the Committee regrets the absence of examples of the practical implementation of the provisions of the Convention. The Committee recommends that the State party include such an assessment, together with information on any difficulties encountered in implementing the Convention.

9. The Committee is concerned about settlement patterns with regard to the Roma minority. The Committee is particularly concerned about the fact that two municipalities issued decrees banning Roma from their territory and the duration of proceedings to lift them. The Committee recommends that the State party review legislation regulating local residence permits, investigate promptly and thoroughly incidents of discrimination in access to housing and give speedy consideration to these issues. The Committee invites the State party to monitor trends which give rise to racial segregation and indicate its findings in subsequent reports.

10. The Committee is concerned at the persistence of acts of violence by groups, particularly "skinheads", directed towards Roma and other ethnic minorities. The Committee recommends that the State party strengthen procedures for timely and thorough investigations and effective prosecutions of racist organizations. The Committee further encourages the State party to expand throughout the State preventive programmes to curb racially motivated violence.

11. The Committee is concerned that despite school education being compulsory, a disproportionately large number of Roma children are not enrolled in schools, have high drop-out rates, do not complete higher education or are segregated and placed in schools for mentally disabled children. The Committee recommends that the State party address the various factors responsible for the low level of education among the Romas with a view to improving enrolment and continue efforts to develop and expand strategies to facilitate the integration of minority pupils into mainstream education.

12. While welcoming the adoption of Act No. 292/1999 concerning the prohibition of discriminatory vacancy announcements, the Committee recommends that further measures be taken for effective prohibition of discrimination in employment.

13. In light of the fact that the Roma are among the populations hardest hit by unemployment because of inadequate skill levels and low levels of education, the Committee recommends that

the State party ensure that the National Employment Plan contains adequate job-training initiatives, and implement affirmative action programmes to improve the employment situation among the Roma in various levels of employment.

14. The Committee is concerned that a disproportionately large number of Roma suffer higher mortality rates, have poorer nutrition levels, and low levels of awareness of maternal and child health. Moreover, the Committee is concerned about poor access to clean drinking water, adequate sanitation, and high exposure to environmental pollution in Roma settlements. The Committee recommends that the State party take all necessary measures to ensure that the Roma enjoy the full right to health and health care. The Committee recommends that the State party prioritize and target social services for persons belonging to the most vulnerable groups.

15. With respect to the various initiatives undertaken pursuant to the United Nations Decade for Human Rights Education, such as inclusion of human rights teaching in the school curricula, police academies and in detention facilities, the Committee would welcome information in subsequent reports on the effectiveness of these measures and public awareness-raising campaigns to prevent racial discrimination.

16. The State party is also invited, in its next report, to provide further information on the following issues: (a) the implementation of resolution No. 110 of the National Council on Human Rights and National Minorities, which calls for, inter alia, cooperation with NGOs to combat racial crimes and ongoing training at all levels for professionals working within the criminal justice system; and (b) comprehensive statistics on the number of racist offences that are reported, including against the police, the number of cases prosecuted, the reasons for not prosecuting, and the eventual outcome.

17. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

18. The Committee recommends that the State party ensure the wide dissemination of the text of the Convention and make its periodic reports readily available to the public from the time they are submitted, and that the Committee's concluding observations on them be similarly publicized.

19. The Committee recommends that the State party's next periodic report be an updating report, and that it addresses the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

ICELAND

1. The Committee considered the fifteenth and sixteenth periodic reports of Iceland (CERD/C/338/Add.10 and CERD/C/384/Add.1) at its 1441st meeting (CERD/C/SR.1441), held on 7 March 2001. At its 1454th meeting (CERD/C/SR.1454), held on 16 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the reports submitted by the State party, commends the State party for its regular submission of periodic reports, and expresses its appreciation for the additional oral information provided by the delegation. The Committee notes the valuable information contained in the reports, which were prepared in accordance with the Committee's guidelines. The fifteenth and sixteenth reports are updating reports describing developments that took place after the period covered by the fourteenth report.

3. The Committee notes that, while providing information that the Committee had requested on the ethnic composition of the population and on naturalization laws, the fifteenth and sixteenth reports contained only limited information with respect to most of the concerns and recommendations contained in the Committee's concluding observations on the fourteenth periodic report (CERD/C/304/Add.27).

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B. Positive aspects

4. The Committee is encouraged by the commitment of the State party to the Convention. It notes with appreciation the State party's positive efforts with regard to the prevention of ethnic discrimination and to ensure equal rights and protection from discrimination for the growing immigrant and foreign-born population.

5. The Committee notes again that the 1995 amendment to the Constitution provided extensive additions to human rights provisions, bringing them more into conformity with international human rights norms. It welcomes the information provided in the sixteenth report and by the delegation about the extent to which courts refer to the human rights treaties to interpret the constitutional provisions.

6. The Committee commends the State party for publishing its reports and the concluding observations of the Committee on the Internet home page of the Ministry of Justice and for distributing them to the media, which facilitates and stimulates growing public interest in and debate of human rights issues.

7. The Committee welcomes the establishment of a new centre for immigrants in the Western Fjords which will start operating in March 2001, and the preparations for the transformation of the Information and Cultural Centre for Foreigners in Reykjavik into an International House with expanded programmes and activities, particularly to assist immigrants and other foreigners in the study of their own language.

8. The Committee welcomes the introduction of new curricula for nursery and primary schools, with increased attention to the role of schools in facilitating the integration of children from different cultural backgrounds without the loss of their ties to their own culture. It notes also the emphasis on the promotion of tolerance and the recognition of the need to provide students from different linguistic backgrounds with special education in Icelandic, to address educational and employment disparities.

9. The Committee notes the information provided in the sixteenth report on the complex provisions of the Icelandic Naturalization Act and other relevant legislation. It welcomes the 1998 amendment to address the unequal rights of men and women with regard to the naturalization of their children, and the elimination of the requirement to adopt an Icelandic patronym as a condition for naturalization.

10. The Committee expresses its appreciation for the acceptance by the State party of refugees for resettlement, and notes the success of its family support system in facilitating integration of refugees.

11. The Committee welcomes the Government's decision of July 2000 to ratify the Amendments to article 8, paragraph 6, of the Convention adopted at the Fourteenth Meeting of States Parties.

C. Concerns and recommendations

12. The Committee recommends that the State party investigate fully the possible existence of associations advocating racial discrimination and take appropriate action under section 233a of the General Penal Code and article 74 of the Constitution, as well as review its legislation if it proves insufficient to enforce fully the provisions of article 4 of the Convention. The Committee also recommends that the State party ensure that the provisions of the Convention are fully reflected in existing legislation and that it give further consideration to the possibility of giving the Convention legal force in the Icelandic legal system, as is the case for the European Convention on Human Rights.

13. The Committee notes that few incidents of racial discrimination are recorded by the police. The Committee recommends that the State party review carefully the allegations of racial insults and threats suffered by immigrants and that it consider additional ways to encourage the formulation of formal complaints in such cases, including publicizing the State party's declaration under article 14 of the Convention.

14. While acknowledging the more favourable treatment received under the naturalization laws in cases where the applicant is stateless, the Committee notes that Icelandic nationality is lost by persons who acquire another nationality by their own application, while dual citizenship is allowed for foreign nationals who acquire Icelandic citizenship. The Committee recommends that the State party consider the possibility of acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, which prohibit deprivation of nationality on discriminatory grounds and stipulate that a State party should grant nationality to persons born on its territory who would otherwise be stateless.

15. The Committee notes that a new Bill on Aliens was submitted to Parliament in autumn 2000 and that its adoption is expected in the spring of 2001. The Committee would welcome further information on the handling of asylum requests and on the contents of the Bill on Aliens including on admissibility procedures at the borders, in the next periodic report.

16. The Committee recommends that the State party's reports continue to be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

17. The Committee recommends that the State party submit its seventeenth periodic report jointly with the eighteenth periodic report, due on 4 January 2004, and that it address all the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

ARGENTINA

1. The Committee considered the fifteenth periodic report of Argentina (CERD/C/338/Add.9), which was due on 4 January 1998, at its 1439th and 1440th meetings (CERD/C/SR.1439 and 1440), held on 6 and 7 March 2001. At its 1457th meeting (CERD/C/SR.1457), held on 19 March 2001, it adopted the following concluding observations.

Introduction

2. The Committee welcomes the report submitted by Argentina and appreciates the supplementary updated information provided by the delegation orally and in writing, and also its detailed and frank answers to the questions and comments formulated by members of the Committee.

Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that Argentina is still experiencing a difficult economic situation. In particular, this situation affects vulnerable population groups, such as indigenous groups, and immigrants from neighbouring countries, many of whom are undocumented. This economic situation also results in budgetary constraints for government agencies responsible for combating racial discrimination and taking measures in favour of the most vulnerable groups.

Positive aspects

4. The Committee welcomes the measures to strengthen the National Institute to Combat Discrimination, Xenophobia and Racism (INADI). It also welcomes the activities of the Institute, such as the organization of training seminars for primary and secondary school teachers to embrace pluralism, training courses for law enforcement officials and publicity campaigns in the media, and the establishment of a mechanism to receive complaints and take action thereon by mediating and intervening in the courts.

5. The Committee welcomes with satisfaction the measures designed to give greater autonomy to the National Institute of Indigenous Affairs, to build its capacity and to elaborate a national plan for indigenous peoples. It notes with interest the progress made thus far by the Institute in the context of the programme to transfer estate land to the indigenous communities that have traditionally occupied it.

6. The Committee welcomes Argentina's recent ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization Convention No. 169).

Concerns and recommendations

7. The Committee notes that the Government's plans to hold an updated census which would, inter alia, take into account information on membership of indigenous groups, have not been sufficiently resourced. The Committee encourages the Government to take the measures necessary to hold the census as soon as possible.

8. The Committee notes the absence in the periodic report of detailed information concerning the representation of indigenous peoples in the civil service at the federal and provincial levels, the police, judicial system and Congress. It also notes the lack of information on the extent to which these segments of the population enjoy economic, social and cultural rights. The Committee reiterates its request to the State party to include in its next periodic report detailed information on the above-mentioned aspects.

9. The Committee notes with concern a statement made by the State party that the territories in which indigenous peoples have settled coincide with the areas with the highest index of unmet basic needs, and that the poverty and unemployment indices among indigenous populations and other vulnerable groups have risen as a result of the economic crisis. The Committee recommends that the State party take steps to alleviate this situation and that it keep the Committee informed thereon.

10. The Committee also notes with concern that, although progress has been made regarding consultation with indigenous peoples so that they may participate in decisions which affect them with a view to securing their agreement, there are still situations in which consultation and participation do not occur. The Committee recommends that the State party find ways and means to facilitate such participation.

11. The Committee further notes with concern the difficulties that arise in some cases of transferring estate land to indigenous peoples due, primarily, to the existence of individual title deeds and to the conflict of jurisdiction between the national and the provincial governments. The Committee recalls the relevant provisions of its General Recommendation XXIII and recommends that steps be taken to overcome these difficulties.

12. The Committee notes with concern the lack of a social security system which takes into account the specific needs of indigenous peoples and recommends that steps be taken in that regard.

13. The Committee is concerned by the existence of xenophobic attitudes towards immigrants, primarily those from neighbouring countries, asylum-seekers and persons of African descent. These attitudes, which are manifested even in some of the media, seem to have increased as a result of the present economic crisis and have given rise, on occasion, to violent incidents. The Committee recommends that the State party monitor such attitudes and incidents closely and take appropriate steps to deal with them.

14. The Committee notes with concern the difficulties that immigrants, primarily those from neighbouring countries, have in meeting the cost of obtaining residence papers, and the lengthy and excessively bureaucratic immigration procedures, and recommends that the State party take steps to deal with this, inter alia, by offering advice free of charge. The Committee recommends, in particular, that the immigration bill currently under discussion should include provisions to deal with these problems.

15. The Committee regrets the slow pace of the proceedings relating to the 1992 and 1994 anti-Semitic attacks, although it notes that progress has been made, and it calls for these proceedings to be completed as soon as possible.

16. The Committee notes with concern that there have been reports of police brutality committed on a variety of pretexts, on grounds of race, colour or ethnic origin; it therefore recommends that, in the courses and seminars organized to provide human rights education for members of the police, armed forces, immigration and prison officials, particular attention be given to the dissemination and implementation of the Convention.

17. The Committee notes that INADI is experiencing difficulties in covering the entire national territory with regard to receiving and handling complaints of racial discrimination, and recommends that steps be taken to address this situation.

18. The Committee requests that the State party include in its next report statistical information regarding legal actions carried out in Argentina against acts of racism. It also requests information regarding the conclusions of the Ministry of Justice commission responsible for adapting domestic laws to international instruments as regards the Convention.

19. The Committee recommends that the reports of the State party be made public when they are submitted to the Committee, and that the concluding observations of the Committee thereon be widely disseminated.

20. The Committee takes note of the proceedings under way at the level of the executive organs with a view to formulating the declaration provided for in article 14 of the Convention and encourages the State party to complete these proceedings.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention which were adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

22. The Committee recommends that the State party submit its 16th and 17th periodic reports jointly with the 18th periodic report on 4 January 2004, and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

ALGERIA

1. The Committee considered the thirteenth and fourteenth periodic reports of Algeria, which were due on 15 March 1997 and 1999, respectively, submitted as one document (CERD/C/362/Add.6), at its 1445th meeting (CERD/C/SR.1445), held on 9 March 2001. At its 1459th meeting (CERD/C/SR.1459), held on 20 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the thirteenth and fourteenth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation and in writing, and expresses its appreciation for the opportunity to continue its dialogue with the State party. The Committee notes with appreciation that the report was more exhaustive than the previous periodic report, particularly with regard to constitutional and legal provisions.

B. Positive aspects

3. It is noted with appreciation that the State party has made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

4. The Committee welcomes the fact that, pursuant to article 132 of the Constitution, international instruments that have been ratified and promulgated by the State party, including the International Convention on the Elimination of all Forms of Racial Discrimination, form part of and take precedence over norms of the State party's domestic law, and can be invoked directly before the courts.

5. The Committee welcomes the ongoing reforms with regard to the administration of justice and the setting up of a National Commission for the Reform of the Justice System, by means of presidential decree No. 99-234 of 19 October 1999.

6. The Committee notes as positive the announcement by the delegation of the forthcoming establishment of a new National Advisory Commission for the Promotion and Protection of Human Rights, the members of which would include civil society organizations and half the membership of which would be women, and which would closely coordinate with the National Human Rights Observatory.

7. The Committee welcomes the initiatives taken by the Government in the area of human rights education, including the establishment of a United Nations Educational, Scientific and Cultural Organization Chair in the teaching of human rights in the University of Oran. The incumbent would be responsible for organizing and promoting an integrated system of human rights research, teaching, information and documentation, as well as human rights training at the National Judicial Training Institute, the Police Training School and the National Prison Administration Training School.

8. The Committee appreciates the recognition in the Algerian Constitution of the Islamic, Arab and the Amazigh components of Algerian identity and encourages the efforts to introduce teaching of the Amazigh language in schools.

C. Concerns and recommendations

9. Noting the absence of statistical data on the ethnic composition of Algerian society, the Committee recommends that the State party provide an estimate of the composition of the population as requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of ethnic groups, including the Amazigh community. In this connection, the Committee draws the attention of the State party to its General Recommendation VIII concerning the identification of members of particular racial and ethnic groups.

10. The Committee expresses its concern at the Law on the Generalization of the Arabic Language of 5 July 1998, prohibiting the use of languages other than Arabic in various fields. While noting the statement by the delegation that the Law on the Generalization of Arabic Language has not been applied in practice, the Committee urges the Government to review this law as a matter of priority, particularly in the context of the steps taken to promote the Amazigh language.

11. The Committee notes that articles 27 and 42 of the Constitution of Algeria prohibit discrimination based on race, language or religion. Nevertheless, it is concerned at the inadequate provisions in domestic legislation to address diverse aspects of racial discrimination. It thus reiterates its recommendation that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination in accordance with the Convention and provisions for enforcing the prohibition.

12. While noting the efforts by the State party to amend its criminal code, notably article 298 and article 299, in accordance with the recommendations of the Committee at the examination of the eleventh and twelfth periodic reports, the Committee remains concerned about the State party's failure to comply fully with all requirements of article 4 of the Convention and recommends that further steps be taken to accelerate the legislative review process.

13. With regard to article 5, the Committee notes that the facts and figures provided in the report are in relation to the totality of the population and are not disaggregated. In this connection, the Committee wishes to receive detailed information on the application of the provisions of this article to the nomadic groups in the next periodic report.

14. The Committee reiterates its previous recommendation that the next periodic report of the State party contain all available information on complaints and court cases relating to racial discrimination and also information on the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention.

15. The Committee notes that despite the significant steps taken by the Government to preserve and promote the Amazigh identity through the setting up of a High Commission on Amazighness, no additional information has been given on this population group, on measures taken for the protection and promotion of its culture and language, or on the activities of the High Commission on Amazighness. The Committee is concerned about reports of inadequate functioning of this Commission and requests additional, concrete information with regard to the functioning, membership and performance of the Commission in promoting Amazigh language and culture.

16. The Committee requests that in its next periodic report, the State party provide information on the role of the National Advisory Commission for the Promotion and Protection of Human Rights in monitoring the implementation of the State party's treaty obligations and on the coordination between this organization and the National Human Rights Observatory.

17. The Committee recommends that the State party's periodic reports be made widely available to the public from the time they are submitted and that the Committee's concluding observations be similarly publicized. In addition, all sectors of society should be informed and educated about the provisions of the Convention, including those of article 14.

18. The Committee further recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted by the Fourteenth Meeting of States Parties.

19. The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report, due on 15 March 2003, and that it addresses the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

JAPAN

1. The Committee considered the initial and second periodic reports of Japan, which were due on 14 January 1997 and 14 January 1999, respectively, submitted in one document (CERD/C/SR.1443 and 1444), at its 1443rd and 1444th meetings held on 8 and 9 March 2001. At its 1459th meeting (CERD/C/SR.1459) held on 20 March 2001, it adopted the following concluding observations.

A. Introduction

2. The opportunity to initiate a constructive dialogue with the State party is particularly welcome. The Committee was encouraged by the attendance of a large delegation representing a wide range of governmental departments and also by the involvement of the non-governmental community, as acknowledged by the State party, in the preparation of its initial report.

3. The Committee welcomes the detailed and comprehensive report submitted by the State party, prepared in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation in response to the wide range of questions asked by Committee members. It also welcomes the additional written responses provided following the examination of the report.

B. Positive aspects

4. The Committee welcomes the legislative and administrative efforts made by the State party in order to promote the human rights and the economic, social and cultural development of some ethnic and national minorities, in particular (a) the 1997 Law for the Promotion of Measures for Human Rights Protection; (b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture; and (c) the series of Special Measures Laws for Dowa projects with the aim of eliminating discrimination against Burakumin.

5. The Committee notes with interest the recent jurisprudence recognizing the Ainu people as a minority people with the right to enjoy its unique culture.

6. The Committee welcomes efforts made to raise awareness about existing human rights standards, particularly the publication of the full texts of fundamental human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, on the Web site of the Ministry for Foreign Affairs. It also welcomes the similar dissemination of the State party's reports on the implementation of treaties and the concluding observations of the respective treaty monitoring bodies.

C. Concerns and recommendations

7. While taking note of the State party's point of view on the problems involved in determining the ethnic composition of the population, the Committee finds that there is a lack of information on this point in its report. It is recommended that the State party provide in its next report full details on the composition of the population, as requested in the reporting guidelines of the Committee, and, in particular, information on economic and social indicators reflecting the situation of all minorities covered by the Convention, including the Korean minority and the Burakumin and Okinawa communities. The population on Okinawa seeks to be recognized as a specific ethnic group and claims that the existing situation on the island leads to acts of discrimination against it.

8. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee, unlike the State party, considers that the term "descent" has its own meaning and is not to be confused with race or ethnic or national origin. The Committee therefore recommends that the State party ensure that all groups including the Burakumin community are protected against discrimination and afforded full enjoyment of the civil, political, economic, social and cultural rights contained in article 5 of the Convention.

9. The Committee notes with concern that although article 98 of the Constitution provides that treaties ratified by the State party are part of domestic law, the provisions of the Convention have rarely been referred to by national courts. In light of the information from the State party that the direct application of treaty provisions is judged in each specific case, taking into consideration the purpose, meaning and wording of the provisions concerned, the Committee seeks clarification from the State party on the status of the Convention and its provisions in domestic law.

10. The Committee is concerned that the only provision in the legislation of the State party relevant to the Convention is article 14 of the Constitution. Taking into account the fact that the Convention is not self-executing, the Committee believes that it is necessary to adopt specific legislation to outlaw racial discrimination, in particular legislation in conformity with the provisions of articles 4 and 5 of the Convention.

11. The Committee notes the reservation maintained by the State party with respect to article 4 (a) and (b) of the Convention, stating that "Japan fulfils the obligations under those provisions to the extent that fulfilment [...] is compatible with the guarantee of the rights to freedom of assembly, association and expression and other rights under the Constitution of Japan". The Committee expresses concern that such an interpretation is in conflict with the State party's obligations under article 4 of the Convention. The Committee draws the attention of the State party to its General Recommendations VII (32) and XV (42), according to which article 4 is of mandatory nature, given the non-self-executing character of all its provisions, and the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the rights to freedom of opinion and expression.

12. Regarding the prohibition of racial discrimination in general, the Committee is further concerned that racial discrimination as such is not explicitly and adequately penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of the Convention in its domestic legal order and ensure the penalization of racial discrimination, as well as the access to effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination.

13. The Committee notes with concern statements of a discriminatory character made by high-level public officials and, in particular, the lack of administrative or legal action taken by the authorities as a consequence, in violation of article 4 (c) of the Convention, and the interpretation that such acts can be punishable only if there is an intention to incite and promote racial discrimination. The State party is urged to take appropriate measures, in compliance with article 7 of the Convention, to prevent such incidents in the future and to provide appropriate training of, in particular, public officials, law enforcement officers and administrators with a view to combating prejudices which lead to racial discrimination.

14. The Committee is concerned about reports of violent actions against Koreans, mainly children and students, and about inadequate reaction on the part of the authorities in this regard and recommends that the Government take more resolute measures to prevent and counter such acts.

15. With regard to children of foreign nationality residing in Japan, the Committee notes that elementary and lower secondary education is not compulsory. It further notes the position of the State party that "since the purpose of the primary education in Japan is to educate the Japanese people to be members of the community, it is not appropriate to force foreign children to receive that education". The Committee concurs with the proposition that force is completely inappropriate to secure the objective of integration. However, with reference to articles 3 and 5 (e) (v), the Committee is concerned that different standards of treatment in this respect

may lead to racial segregation and the unequal enjoyment of the rights to education, training and employment. It is recommended that the State party ensure that the rights contained in article 5(e) are guaranteed without distinction as to race, colour, or national or ethnic origin.

16. The Committee is concerned about discrimination affecting the Korean minority. Though efforts are being made to remove some of the institutional obstacles preventing minority students from international schools, including Korean schools, from entering Japanese universities, the Committee is particularly concerned that studies in Korean are not recognised and that resident Korean students receive unequal treatment with regard to access to higher education. It is recommended that the State party undertake appropriate measures to eliminate discriminatory treatment of minorities, including Koreans, in this regard and to ensure access to education in minority languages in public Japanese schools.

17. The Committee recommends that the State party take steps to further promote the rights of the Ainu, as indigenous people. In this regard the Committee draws the attention of the State party to its General Recommendation XXIII (51) on the rights of indigenous peoples that calls, inter alia, for the recognition and protection of land rights as well as restitution and compensation for loss. The State party is also encouraged to ratify and/or use as guidance the Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization.

18. Noting that although there are no longer any administrative or legal requirements for Koreans applying for Japanese nationality to change their names to a Japanese name, the Committee expresses its concern that authorities reportedly continue to urge applicants to make such changes and that Koreans feel obliged to do so for fear of discrimination. Considering that the name of an individual is a fundamental aspect of the cultural and ethnic identity, the Committee recommends that the State party take the necessary measures to prevent such practices.

19. The Committee, while noting the recent increase in the number of refugees accepted by the State party, is concerned that different standards of treatment are applicable to Indo-Chinese refugees, on one hand, and the limited number of refugees of other national origins, on the other. Whereas Indo-Chinese refugees have access to accommodation, financial aid and State-funded Japanese language courses, such assistance is as a rule not available to other refugees. The Committee recommends that the State party take the necessary measures to ensure equal entitlement to such services by all refugees. In this context, it is also recommended that the State party ensure that all asylum-seekers have the right, inter alia, to an adequate standard of living and medical care.

20. The Committee is concerned that the national redress law offers remedies only on the basis of reciprocity, which is inconsistent with article 6 of the Convention.

21. The Committee requests the State party to provide in subsequent reports, inter alia, jurisprudence relating specifically to violations of the Convention, including the awarding by courts of adequate reparation for such violations.

22. The Committee recommends that the next State party report contain socio-economic data disaggregated by gender and national and ethnic group and information on measures taken to prevent gender-related racial discrimination, including sexual exploitation and violence.

23. The State party is also invited to provide in its next report further information on the impact of: (a) the 1997 Law for the Promotion of Measures for Human Rights Protection and the work and powers of the Council for Human Rights Promotion; (b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture; and (c) the Law concerning Special Government Financial Measures for Regional Improvement Special Projects and envisaged strategies to eliminate discrimination against Burakumin after the law ceases to apply, i.e. in 2002.

24. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

25. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

26. The Committee recommends that the State party's reports continue to be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

27. The Committee recommends that the State party submit its third periodic report jointly with its fourth periodic report, due on 14 January 2003, and that it address all points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

GERMANY

1. The Committee considered the fifteenth periodic report of Germany (CERD/C/338/Add.14) at its 1426th and 1427th meetings, held on 13 and 14 March 2001 (CERD/C/SR.1426 and 1427), and at its 1460th meeting (CERD/C/SR.1460), on 21 March 2001, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the very detailed report presented by the Government of Germany, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee is also grateful for the relevant additional and updated information that was transmitted during presentation of the report.

3. The Committee particularly appreciated the delegation's frankness and sincerity during the presentation of the report, and its acknowledgement of the difficulties faced by the State party in implementing the Convention.

B. Positive aspects

4. The Committee welcomes recent developments that have taken place in the field of human rights. It noted in particular the creation of the independent German Institute of Human Rights, the setting up by the Federal Parliament of a Human Rights Committee, as well as the publication of the Federal Government's biannual Human Rights Report, which in the future will give more attention to internal human rights issues.

5. With regard to the implementation of article 4 of the Convention and the fight against racist organizations and propaganda, the Committee welcomes the information provided by the State party that since its previous report additional extreme right-wing associations have been banned. In this regard, the Committee also notes the efforts made by the Government, as well as by the Federal Council and the Federal Parliament, to bring the important and delicate issue of the constitutionality of the National Democratic Party of Germany (NPD) before the German Constitutional Court. Finally, the Committee is pleased to see that measures taken by the State party to combat racial propaganda are being effectively implemented, leading to the conviction by the judicial authorities of approximately 900 people during 1998.

6. The Committee also welcomes the establishment of three new special programmes aimed at combating racism and xenophobia among young people: "Xenos-living and working in diversity", "Measures against violence and right-wing extremism" and "Promotion of model projects against right-wing violence in the new Länder".

7. The Committee notes with satisfaction the improvements brought by the recent reform of the nationality law and, in particular, the partial incorporation of the principle of *jus soli* and the expanding of exceptions to the prohibition of multiple nationalities, for instance when giving up a previous nationality would bring considerable disadvantages to a person applying for German nationality.

8. The Committee notes the establishment of the Foundation for the Compensation of Persons Subjected to Forced Labour and welcomes the fact that this Foundation will also be of benefit to Sinti and Roma populations.

9. The Committee appreciates the readiness of the delegation to answer a great variety of questions concerning, inter alia, the State party's response to the concerns of developing countries with respect to the high prices of medicines for persons living with HIV/AIDS.

C. Concerns and recommendations

10. The Committee shares the State party's particular concern that despite appropriate actions undertaken and significant improvements to the various means of preventing and punishing right-wing extremist, xenophobic and anti-Semitic crimes, the number of racist-related incidents, which had more or less stagnated during the 1990s, suddenly and dramatically increased during the year 2000. While welcoming the work that has already been accomplished to identify the specific causes of this phenomenon, the Committee encourages the State party to

reinforce its efforts to prevent and combat such acts, including through further studies and research, in order to understand fully the reasons for the recent increase in racial violence and to devise appropriate measures.

11. The Committee is further concerned by repeated reports of racist incidents in police stations, as well as ill-treatment inflicted by law enforcement officials on foreigners, including asylum-seekers, and German nationals of foreign origin. Although the number of such incidents has diminished recently, the Committee urges the State party to strengthen existing educational measures for civil servants who deal with issues involving foreigners, including asylum-seekers, and German nationals of foreign origin.

12. Concerned by the increase of racist propaganda on the Internet, and that this trend is likely to become more significant in the future, the Committee encourages the State party to continue to seek solutions to this problem.

13. While noting that the State party has recognized minorities that have been settled in Germany for a long time, the Committee draws the attention of the State party to General Recommendation XXIV (55) of the Committee.

14. The State party is invited in its next report to provide further information on the following issues: (a) updated information on the number of persons of foreign origin in the police forces; (b) information on the new draft anti-discrimination legislation in the field of both civil and labour law; (c) updated information on the numbers of persons who have been convicted following racist incidents.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

16. Noting that the State party's report has been made readily available to the public from the time it was submitted, the Committee recommends that its concluding observations be similarly publicized. It encourages the State party to insert the concluding observations on the Web site of the appropriate ministry.

17. The Committee recommends that the State party submit its sixteenth and seventeenth periodic report jointly with its eighteenth periodic report, due on 15 June 2004, and that it address the points raised in the present observations.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

SUDAN

1. The Committee considered the ninth, tenth and eleventh periodic reports of the Sudan, which were due on 20 April 1994, 1996 and 1998 respectively, submitted as one document (CERD/C/334/Add.2), at its 1451st and 1452nd meetings (CERD/C/SR.1451 and 1452), held on 14 and 15 March 2001. At its 1460th meeting (CERD/C/SR.1460), held on 21 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's report and appreciates the opportunity to continue its dialogue with the State party, in a spirit of constructiveness. While noting that the report was not adequately prepared in accordance with the guidelines for the preparation of reports, the Committee expresses its appreciation for the additional oral and written information provided by the delegation in response to the wide range of questions asked by Committee members.

B. Positive aspects

3. The Committee notes with interest the State party's increasing willingness to cooperate with some of the United Nations and international agencies and non-governmental organizations in the field of human rights, including on matters relating to racial discrimination.

4. The Committee welcomes the fact that international treaties ratified by the State party form part of domestic law and that treaties take precedence over national legislation in case of conflict.

5. The Committee welcomes the adoption by national referendum of the 1998 Constitution and commends the fact that the Constitution recognizes the cultural diversity of the Sudan. In this regard, the Committee notes the efforts by all parties to implement constitutional decree 14 of 1997 (Khartoum Peace Agreement), ending with a general referendum in the South on unity or separation.

6. The Committee welcomes the efforts made by the State party to put into place a legislative framework, based on the common law system, to ensure the protection of constitutional rights and freedoms and, in particular, the 1998 amendment to the Criminal Act making racial discrimination a specific crime.

7. The Committee commends the development of some institutional structures to guarantee the objectives of the Constitution, including the Constitutional Court, the Office of the Ombudsman and the Advisory Council for Human Rights.

C. Factors and difficulties impeding the implementation of the Convention

8. The Committee bears in mind the long-lasting and ongoing civil war, fuelled by a complexity of issues relating to ethnicity, race, religion and culture, involving violations of human rights by all parties to the armed conflict. Massive loss of life, destruction of property, abductions and a decline in financial and material resources and political conflict overshadow all efforts made by the State party to implement the Convention.

D. Concerns and recommendations

9. While noting certain information given orally by the delegation, particularly the socio-economic indicators relating to women and children, the Committee regrets the lack of details in the report concerning the demographic composition of the population. The Committee recommends that the State party provide in its next report detailed information on the composition of the population, as requested in the reporting guidelines of the Committee. In particular, the Committee wishes to receive information on the economic and social status of all ethnic and religious minorities, disaggregated by gender, and any other groups covered by the scope of the Convention, as well as on their participation in public life.

10. With regard to articles 4, 5 and 6 of the Convention, the Committee recommends that the State party continue its efforts to establish a domestic legal order giving full effect to the provisions of the Convention and to ensure effective and equal access to remedies through the competent national tribunals and other State institutions against any acts of racial discrimination and related intolerance.

11. The Committee further reiterates its recommendations to the State party contained in its decision 5 (54) of 19 March 1999 (A/54/18, Chap. II, sect. A), inter alia to implement immediately effective measures to guarantee all Sudanese, without distinction based on race, colour, descent, or national or ethnic origin, freedom of religion, opinion, expression and association; the right to security of person and protection by the State against violence or bodily harm; the right to study and communicate in a chosen language; and the right to enjoy their own culture without interference.

12. The Committee repeats its concern over continuous reports and allegations regarding the abduction by armed militia of, primarily, women and children belonging to other ethnic groups. In this regard, it notes that the State party, while disassociating itself from any such practices, attributes abduction to traditions deeply rooted among certain tribes. Notwithstanding this position, the Committee strongly emphasizes the State party's responsibility to undertake all measures to bring the practice of abduction to an end and to ensure that legal action is taken against those responsible for such acts, and compensation given to those aggrieved.

13. The Committee is deeply concerned about the forced relocation of civilians from the Nuer and Dinka ethnic groups in the upper Nile region and reports that the relocations involved significant military force resulting in civilian casualities. The Committee urges the State party to uphold the fundamental economic and social rights of the Nuer and Dinka in the upper Nile region, including the right to personal security, to housing, to food, and to just compensation for property confiscated for public use.

14. The Committee remains concerned about the large number of internally displaced communities within the territory of the State party, due to the civil war and natural disasters. The Committee reiterates its recommendation that the State party consider giving effect to the provisions of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) of the Special Representative of the Secretary General on internally displaced persons and to implement the right to free return of all displaced persons to their homes of origin under conditions of safety. It further urges the State party to do everything in its power to achieve a peaceful settlement of the war, which undermines efforts at combating ethnic, racial and religious discrimination.

15. The Committee notes that different standards of treatment are reportedly used for different categories of asylum-seekers, i.e. whereas asylum-seekers from mainly neighbouring countries to the east, west and south, except Chad, are granted refugee status, asylum-seekers from Arab countries are allowed to stay on an informal and unofficial basis. The Committee recommends that the State party apply international and regional standards pertaining to refugees equally, regardless of the nationality of the asylum-seeker.

16. The Committee invites the State party to provide in its subsequent report, inter alia, information on cases pertaining specifically to violations of the Convention, on the activities of the Office of the Ombudsman and the Advisory Council for Human Rights, and on the results of the work of the Committee for the Eradication of Abductions of Women and Children.

17. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

20. The Committee recommends that the State party submit its twelfth periodic report jointly with its thirteenth periodic report, due on 20 April 2002, and that it address all the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

PORTUGAL

1. The Committee considered the ninth periodic report of Portugal (CERD/C/357/Add.1) at its 1447th and 1448th meetings (CERD/C/SR.1447 and 1448), held on 12 and 13 March 2001. At its 1461st meeting (CERD/C/SR.1461), held on 21 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the updating report of Portugal, submitted less than one year after the consideration of the fifth to eighth periodic reports, as well as the supplementary written and oral information provided by the delegation. The Committee expresses its appreciation for the constructive and frank dialogue it had with the State party.

B. Positive aspects

3. The Committee welcomes the enactment of Decree Law 4/2001 modifying the regulations on the entry, stay and departure of foreigners with a view to, inter alia, introducing penal legislation against the illegal trafficking of migrant workers as well as an enlarged definition of the beneficiaries of family reunification.

4. The Committee also welcomes the enactment of Act No. 134/99 and corresponding Decree Law 111/2000 prohibiting discrimination in the exercise of rights on grounds of race, colour, nationality or ethnic origin, which contains a non-exhaustive list of discriminatory practices and provides for administrative sanctions for conduct falling under that list. It also welcomes the establishment of the Commission for Equality and against Racial Discrimination.

5. The Committee welcomes the establishment of the Consultative Council on questions of immigration and the participation in it of representatives of immigrants' associations.

6. The Committee notes with appreciation that, contrary to previous legislation, Act No. 20/98 of 12 May allows employers to freely employ any worker residing legally in Portugal, regardless of nationality.

7. The Committee welcomes the information provided by the State party about the sentences handed down by the competent courts in the case of the demolition of Gypsy dwellings in Vila Verde.

C. Concerns and recommendations

8. The Committee notes with concern that incidents of racial discrimination and xenophobia do occur in the State party and recommends that the authorities continue to monitor such incidents closely and take appropriate steps to deal with them.

9. The Committee notes the lack of detailed information in the periodic report about the number of complaints of racial discrimination brought before the Portuguese courts as well as the corresponding decisions, and recommends that the next report include information in this respect. That report should also include information about the cases dealt with by the Commission for Equality and against Racial Discrimination.

10. The Committee notes with concern that, in some industrial and services sectors where illegal migrant workers are engaged, they are discriminated against. It recommends that the State party take measures to put an end to this discrimination.

11. The Committee notes that the report does not contain detailed information about the effective enjoyment by ethnic groups, including refugees, foreign workers, Gypsies (Roma) and citizens who obtained Portuguese nationality following the independence of former colonies, of the rights contained in article 5 of the Convention. The Committee draws the State party's attention to General Recommendation XX and recommends that the next periodic report include information in that respect, in particular about the socio-economic situation of the above-mentioned groups.

12. The Committee recommends that the State party take measures to inform the population in general, and the most vulnerable groups in particular, about the possibility of bringing complaints before the Commission for Equality and against Racial Discrimination.

13. The Committee recommends that, in its next periodic report, the State party provide information on the demographic composition of the population, in accordance with paragraph 8 of the Committee's reporting guidelines.

14. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized. It also recommends the adoption of measures in order to inform the public about the acceptance by Portugal of article 14 of the Convention.

15. The Committee recommends that the State party submit its tenth periodic report jointly with the eleventh periodic report, due on 23 September 2003, and that it address the points raised in these concluding observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

BANGLADESH

1. The Committee considered the seventh, eighth, ninth, tenth and eleventh periodic reports of Bangladesh, which were due on 11 July 1992, 1994, 1996, 1998 and 2000, respectively, at its 1457th and 1458th meetings (CERD/C/SR.1457 and 1458), held on 19 and 20 March 2001. At its 1462nd meeting (CERD/C/SR.1462), held on 22 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume the dialogue with the State party and appreciates the report submitted by the State party, prepared largely in accordance with the guidelines for the preparation of reports. It is noted that the report is significantly more elaborate and informative than the previous reports of the State party. The Committee further appreciates the additional information provided orally by the delegation in response to the wide range of questions asked by the Committee members.

B. Positive aspects

3. The Committee notes with interest the recent steps taken with a view to strengthening the institutional framework for the protection of human rights, i.e. the envisaged establishment of an independent National Human Rights Commission and an Office of the Ombudsman.

4. The Committee welcomes affirmative action programmes undertaken to ensure the enjoyment of the rights contained in article 5 (e) of the Convention by the socially and economically disadvantaged groups, in particular the tribal population of the Chittagong Hill Tracts.

5. The Committee appreciates the signing of the 1997 Chittagong Hill Tracts Peace Accord and the implementation of certain of its provisions, such as: (a) the creation of the Chittagong Hill Tracts Ministry; (b) the establishment of the Chittagong Hill Tracts Regional Council; and (c) the establishment of a Land Commission for the settlement of land issues.

6. The Committee appreciates the importance accorded by the State party to the educational curriculum as a means of spreading awareness of human rights among the population and, in particular, the emphasis given to the inclusion of human rights standards, as set out in the various United Nations Conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination.

C. Concerns and recommendations

7. Though information has been given on representation of ethnic minorities in Parliament, the Committee notes the lack of details in the report on the demographic composition of the population. The Committee reiterates its recommendation to the State party to provide in its next report information on the composition of the population. In particular, the Committee wishes to receive disaggregated information on the economic and social status of all ethnic, religious and tribal minorities, as well as their participation in public life. Information in respect of ethnic minorities should cover not only the Chittagong Hill Tracts, but other areas of the country as well.

8. The Committee notes the information given about the constitutional prohibition of racial discrimination, but is concerned that racial discrimination as such is not explicitly and adequately prohibited and penalized in criminal law. The Committee recommends that the State party consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, ensure penalization of acts of racial discrimination, and ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and State institutions besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.

9. The Committee is concerned about reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment. The Committee recommends that the State party

implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

10. Notwithstanding certain positive developments, the Committee is concerned about the slow progress in implementing the Chittagong Hill Tracts Peace Accord. The Committee urges the State party to intensify its efforts in this regard and recommends that the State party provide in its next report details regarding, inter alia, the work of the Chittagong Hill Tracts Regional Council, the effective results of the work of the Land Commission, the repatriation and rehabilitation of refugees and internally displaced persons in the Chittagong Hill Tracts, the work of the Special Task Force on Internally Displaced Persons, the resettlement of Bengali settlers outside the Chittagong Hill Tracts pursuant to the deliberations of the Land Commission, and the process of withdrawal of security forces from the Chittagong Hill Tracts.

11. With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term "descent" does not refer solely to race or ethnic or national origin, and is of the view that the situation with respect to castes falls within the scope of the Convention. The Committee therefore recommends that the State party include in its next report relevant information about the enjoyment of the rights contained in article 5 of the Convention by all groups, including castes.

12. The Committee is concerned about the poor living conditions in the refugee camps for Rohingyas, and recommends that the State party suitably address the situation pertaining to refugees.

13. In view of the increasing problem of trafficking in persons, particularly women and children, in South Asia, including Bangladesh, which may entail violations of the provisions of the Convention, the Committee requests the State party to provide in its next report information on efforts made in Bangladesh to address the ethnic dimensions of migration and trafficking in persons.

14. In connection with the implementation of article 7 of the Convention, the Committee encourages the State party to continue to take steps to strengthen awareness about human rights in general, and the Convention in particular, through education. It further recommends that the State party undertake training in the provisions of the Convention in the training programmes of law enforcement officials.

15. The Committee requests the State party to provide in subsequent reports, inter alia, information about jurisprudence relating specifically to violations of the Convention, including the awarding by courts of adequate reparation for such violations.

16. The State party is also invited to provide in its next report further information on the steps towards establishing an independent National Human Rights Commission and an Office of the Ombudsman.

17. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

19. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

20. The Committee recommends that the State party's next periodic report, due on 11 July 2002, address all points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

GREECE

1. The Committee considered the twelfth, thirteenth, fourteenth and fifteenth periodic reports of Greece, submitted as one document (CERD/C/363/Add.4), at its 1455th and 1456th meetings (CERD/C/SR.1455 and CERD/C/SR.1456), held on 16 March and 19 March 2001, respectively. At its 1462nd meeting (CERD/C/SR.1462), held on 22 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party, and expresses its appreciation for the additional written information provided in February 2001 and the oral information provided by the delegation. It particularly appreciates the opportunity to resume a positive and constructive dialogue with the State party.

3. The Committee notes the valuable information contained in the report, prepared in accordance with the Committee's guidelines for the form and content of periodic reports, and welcomes the fact that the report addresses a number of the concerns and recommendations of the Committee's concluding observations on the eighth, ninth, tenth and eleventh periodic reports (CERD/C/210/Add.1).

B. Positive aspects

4. The Committee is encouraged by the self-critical approach of the State party's report and by the commitment of the State party to the International Convention on the Elimination of All Forms of Racial Discrimination.

5. The Committee notes that since the submission of its last report the State party has ratified a range of international human rights instruments and has signed - although not yet ratified - the Council of Europe Framework Convention for the Protection of National Minorities.

6. The Committee welcomes the information provided in the report and by the delegation concerning the extent to which courts and other tribunals and administrative authorities give direct effect to the provisions of international human rights instruments in their decisions, and the attention given by courts to the case law of international judicial or quasi-judicial bodies when interpreting human rights instruments.

7. The Committee welcomes the establishment of national machinery with responsibility for overseeing the implementation of human rights, and notes in particular the diverse and pluralistic structure of the national commission on human rights established by Law 2667/1998. The Committee also notes the important role of the National Radio and Television Council, the Code of Journalistic Ethics and the draft Code of Ethics for Information and Other Journalistic and Political Programmes in preventing racial discrimination, racist and xenophobic behaviour and stereotyping in the mass media.

8. The Committee welcomes the measures taken by the State party to date aimed at promoting effective equality among individuals, with particular attention to Roma people, migrant workers, refugees and asylum-seekers, and the minority populations in Western Thrace.

9. The Committee notes the information provided by the State party according to which members of minority groups participate in the political life of the country at the national and municipal levels.

10. Consistent with the State party's expressed desire to integrate - rather than assimilate - minority groups into the social, economic and cultural life of the country, in a manner aimed at preserving their diverse cultures and identities, the Committee welcomes the information provided by the State party concerning the implementation of educational programmes aimed at the teaching of the Greek language to students with a different mother tongue, and the training of teachers in the teaching of Greek as a second language.

11. The Committee welcomes the information provided by the State party on the extent to which it has implemented to date General Recommendation XIII (42) concerning training of law enforcement officials in the protection of human rights.

C. Concerns and recommendations

12. Noting that the report of the State party refers to the "Muslim minority of Western Thrace", and within this group to Turkish, Pomak and Roma groups, and not to other ethnic groups in the country, the Committee draws the attention of the State party to its General Recommendations VIII (38) on the right of each person to self-identification and XXIV (55) concerning article 1 of the Convention in this regard.

13. The Committee encourages the State party to build upon its education programmes at all levels in order to counter negative stereotypes and promote the objectives of the Convention. The Committee recommends that the State party take into account the Committee's General Recommendation XXVII (57) concerning Roma in further legal and policy initiatives.

14. The Committee encourages the State party to pursue further its dialogues with representatives of the Roma, Pomak, Albanian and other minority populations, with a view to expanding as necessary the available range of multilingual educational programmes and policies.

15. Recalling the repeal in 1998 of article 19 of the Citizenship Code, and mindful of the clear incompatibility of this repealed law with the Convention, the Committee recommends that the State party explore and implement appropriate remedies, including the possibility of reinstatement of citizenship, for the benefit of persons deprived of their citizenship under article 19 in the past.

16. The Committee recommends that the next periodic report provide information on the demographic composition of the population.

17. The Committee recommends that the State party include in its next periodic report statistics on jurisprudence of cases where the relevant provisions of the Civil and Penal Codes have found application.

18. The Committee recommends that the State party take further measures to increase the awareness of the principles of the Convention by law enforcement officials.

19. The Committee recommends that the Convention, the State party's report and these concluding observations be widely disseminated by the State party, including among minority populations.

20. The Committee welcomes the stated intention of the State party to make the declaration under article 14 of the Convention as soon as possible, and encourages it to take steps in that regard.

21. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention which were adopted on 15 January 1992 at the Fourteenth Meeting of States Parties.

22. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report, due on 18 July 2003, and that it address the points raised in the present observations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

GEORGIA

1. The Committee considered the initial report of Georgia (CERD/C/369/Add.1), which was due on 2 July 2000, during its fifty-eighth session at its 1453rd and 1454th meeting (CERD/C/SR.1453 and CERD/C/SR.1454), held on 15 and 16 March 2001. At its 1462nd meeting, held on 22 March 2001, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party and the additional oral information provided as well as the opportunity thus offered to initiate a dialogue with the State party. It expresses its satisfaction with the quality of the report and its conformity with the reporting guidelines of the Committee. It notes as very positive the fact that the State party submitted the report within one year of ratification.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee recognizes that Georgia has been confronted with ethnic and political conflicts in Abkhazia and South Ossetia since independence. Due to the lack of governmental authority, the State party has difficulty in exercising its jurisdiction with regard to the protection of human rights and the implementation of the Convention in those regions.

4. In addition, the situations in South Ossetia and Abkhazia have resulted in discrimination against people of different ethnic origins, including a large number of internally displaced persons and refugees. On repeated occasions, attention has been drawn to the obstruction by the Abkhaz authorities of the voluntary return of displaced populations, and several recommendations have been issued by the Security Council to facilitate the free movement of refugees and internally displaced persons.

C. Positive aspects

5. The Committee notes with satisfaction that, notwithstanding the difficulties resulting from conflicts in Abkhazia and South Ossetia and the challenges linked to the period of political transition, the State party has made important progress in the area of legislative reform. It notes with interest that Georgia has ratified a great number of international and regional human rights instruments.

6. The Committee also notes with satisfaction that, upon ratification, the International Convention on the Elimination of All Forms of Racial Discrimination, like other international instruments, became an integral part of the State's domestic legislation and can be invoked directly before the courts.

7. The Committee welcomes the establishment of various institutions for the promotion and protection of human rights, such as the Ombudsman and the Committee for Human Rights and Ethnic Relations. It notes with special interest the creation of the Committee on Civil Integration, which deals specifically with minority concerns. In this connection, the Committee notes with interest the statement of the delegation during the dialogue that the Committee on Civil Integration is developing a concept of civil integration in Georgia, which would include several laws concerning national minorities, such as language rights. The Committee equally welcomes the creation of human rights commissions in many sakrebulo (local elective bodies).

D. Concerns and recommendations

8. The Committee notes that the Constitution takes into account the provisions of article 2 of the Convention. However, the Committee regrets the lack of information provided on measures for the effective implementation of the Convention which the State party is expected to take. Furthermore, the Committee regrets that, although the report notes the condemnation of racial discrimination in all its forms by the State party, racial segregation and apartheid are not expressly condemned as stipulated by article 3 of the Convention.

9. While noting the information that the Constitution contains provisions to ensure the development and the protection of minorities and to guarantee their full and equal enjoyment of human rights and fundamental freedoms, the Committee expresses its concern at the failure of Parliament in 1994 to adopt a special law on national minorities. Taking note of the information provided by the delegation as to the aims of the Committee on Civil Integration in this regard, the Committee encourages the State party to continue to provide its utmost support to this process and to adopt legislation on minorities.

10. Concern is expressed that the legislation currently in force in Georgia does not fully cover the requirements of article 4 of the Convention. The Committee is concerned at the absence of provisions explicitly banning the advocacy of national, racial and religious hatred that constitutes incitement to discrimination, as well as racist propaganda and organizations. The Committee considers that the national legislation currently in force is not sufficient to comply with the requirements of article 4 (b), as the latter covers the offence of promoting and inciting racial discrimination, which may fall short of "fomenting ethnic, local, religious or social strife" as provided for in article 5 (2) of the State party's law on political associations of citizens. The Committee emphasizes that, in the absence of the establishment of racial discrimination as a specific offence, it might not be punishable and would be difficult to prosecute. The Committee recommends that the State party take steps to ensure that national legislation is in full conformity with article 4 of the Convention.

11. With regard to article 142 (1) of the new Criminal Code, which deals with the infringement of equal rights on account of, inter alia, race, skin colour, language, sex, national, ethnic, social or class origin, the Committee is concerned that this provision is qualified by the requirement that the infringement of equal rights result in a substantial violation of human rights. The Committee notes the statement by the delegation that serious consideration should indeed be given to reviewing this provision and encourages the State party to initiate the necessary steps.

12. The Committee recommends that the State party include in the next periodic reports statistics on cases in which the relevant provisions of the Civil and Criminal Codes have been applied. The Committee reminds the State party that the absence of complaints and legal action by victims of racial discrimination could possibly be an indication of a lack of awareness of available legal remedies or a result of the absence of relevant specific legislation. It is therefore essential to provide for the relevant provisions in the national legislation and to inform the public of the availability of all legal remedies.

13. In the context of the implementation of article 5, the Committee expresses its concern at the under-representation of ethnic minorities in Parliament. The Committee notes with concern the barriers to participation of minorities in political institutions, for instance with regard to the limitation on the participation of minorities in local executive bodies due to a lack of knowledge of the Georgian language. The Committee recommends that the State party take all necessary steps in order to increase the representation of national minorities in Parliament and in local bodies.

14. The Committee notes the commitment undertaken by the State party to repatriate Meskhetians who had been expelled from southern Georgia to the Central Asian Republics of the Soviet Union. The Committee recommends that the State party take the necessary measures to facilitate the return of Meskhetians and the acquisition of citizenship by them.

15. Expressing its satisfaction at the positive measures taken by the State party to establish national human rights institutions, the Committee requests that, in its next periodic report, the State party provide additional information on the role, responsibilities and achievements of national institutions such as the Commission on Civil Integration, the Committee for Human

Rights and Ethnic Relations and the Ombudsman in monitoring treaty obligations and in particular with regard to activities for the integration of minorities and the promotion of human rights.

16. The Committee notes the absence of provisions with regard to stateless persons and encourages the State party to take appropriate measures to remedy this situation.

17. The Committee recommends to the State party that its reports and the present concluding observations be widely distributed to the public. The Committee also recommends the dissemination of the text of the Convention and the organization of education and training programmes aimed at all sectors of society, especially law enforcement officials, regarding human rights in general and the provisions of the Convention in particular.

18. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of making such a declaration be considered.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of State Parties.

20. The Committee also recommends that the State party submit its second periodic report jointly with its third periodic report, due on 2 July 2004, and that it address all of the points raised during the consideration of the initial report.